

REMARKS

Consideration is respectfully requested in light of the foregoing Amendments, which are explained in the Remarks that follow.

Claims 22-37 are pending in the application, with claims 22 and 30 being the independent claims. Claims 22-23 and 30-31 are amended. Claims 1-21 were canceled by previous amendment. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Information Disclosure Statement

Applicant respectfully submits, filed concurrently herewith, an Information Disclosure Statement (IDS) which includes all of the references of which the applicant is currently aware, including two office actions, including the detailed actions, from cross-referenced patent applications. While applicant understands that the submission of the actions is not required by the Office (See MPEP § 2001.06(b)), applicant respectfully provides the actions in order to expedite the examination of the present application, and to facilitate an efficient exchange of information with the Office. Applicant does not believe that either of these two Office Actions cite references not previously submitted to or provided by the Office.

Furthermore, applicant understands that the entire file histories, including the above-mentioned detailed actions, are available to each and every Examiner of the Office through the Electronic File System (EFS). Applicant respectfully submits that for applications available through the EFS, the above-stated cross-reference to related applications complies with the applicable statutes and rules.

Terminal Disclaimers

Applicant respectfully submits three Terminal Disclaimers executed by the sole owner. These disclaimers are filed in response to SPE Andrew Caldwell's provisional double patenting

rejection communicated to applicant on September 9, 2004 via telephonic interview. Applicant appreciated the Office's attention to this patent application and respectfully submits the requested disclaimers.

Supplemental/Substitute Declaration and Power of Attorney

Applicant respectfully submits a Supplemental/Substitute Declaration and Power of Attorney executed by the sole inventor. Although applicant intended to file a version of this substitute declaration with the Preliminary Amendment, filed June 4, 2004, it appears that that version was not included. Applicant respectfully enters this document to clarify any ambiguity in the priority of the patent application, and to ensure effectiveness in light of the current amendments. If the Office has any concerns or comments with regard to this document, the Office is invited to telephone the undersigned at the number provided.

Rejection under 35 U.S.C. § 102(b)

In the Office Action, paper no. 6, at ¶ 1, the Office rejects claims 1-7, 9, and 11 as anticipated by U.S. Patent No. 5,748,738 to Bisbee et al. (hereinafter "Bisbee").

Applicant respectfully submits that these rejections have been rendered moot or are accommodated by the previously presented amendments. However, as the amended claims are also submitted to clarify the claimed invention, and not in response to the applied or cited references, applicant respectfully traverses these rejections in the following discussion.

The Office Action states that Bisbee discloses methods and apparatus to implement digital signing and/or encryption for the electronic transmission, storage, and retrieval of authenticated documents. Applicant respectfully submits that Bisbee appears to teach these methods and apparatus by enabling the establishment of the identity of the originator of an electronic document. See Bisbee, Abstract. Applicant respectfully submits that the claimed invention does not rely on the

establishment of identity of an originator. Furthermore, applicant respectfully submits that the claimed invention does not require a certification authority to provide tools for initializing and managing the cryptographic material required to sign and seal electronic documents, as required by Bisbee. See Bisbee, col. 4, lns. 50-60.

The claimed invention provides for the establishment of a certifiable time with which a system may provide certainty as to the content of the file which may later be authenticated. This certifiable time, as claimed, is independent of the identify of the originator, and therefore outside the teachings of Bisbee.

Applicant respectfully submits that the independent claims presented herein are therefore in condition for allowance. Furthermore, the claims depending from the independent claims are believed to be allowable for at least these reasons, and further in view of their own respective features. Withdrawal of the outstanding rejections is respectfully requested.

Rejection under 35 U.S.C. § 103(a)

In the Office Action, at ¶ 3, the Office rejects claims 8, 10, and 12-21 as unpatentable over Bisbee in view of U.S. Patent No. 6,408,388 to Fischer (hereinafter “Fischer”).

Applicant traverses this rejection. Applicant respectfully notes that the present application claims priority to U.S. Provisional Application No. 60/142,132, filed on July 2, 1999. Therefore, Fischer is not a valid reference upon which a rejection of the claims can be made.

In interests of expediting prosecution, and in light of the additional references already of record to which Fischer is an inventor, applicant provides the following remarks. Applicant respectfully submits that these rejections have been rendered moot or are accommodated by the previously presented amendments. Furthermore, as the amendments are also submitted to clarify the claimed invention, and not in response to the applied or cited references, applicant respectfully traverses these rejections in the following discussion.

Applicant respectfully submits that Fischer does not teach a means for saving the file at a moment in time; a means for retrieving from the trusted time source a data and a time corresponding to the moment in time; and a means for saving the file with the certificate appended thereto, as presently claimed.

Specifically, Fischer describes a system that associates time with identity, and not the content of a file. See Fischer, col. 6, ln. 62 - col. 7, ln. 27. Applicant respectfully submits that this teaching is contrary from that of the present invention, as previously argued above.

Fischer is limited to where an electronic notary function serves as witness to the identity of someone presenting a document. See Fischer, col. 7, lns. 28-56. The claimed invention, according to the embodiments discussed in the specification, provides trust in the content, and operates to maintain that trust irrespective of the identity seeking a date and a time. See Specification, pg. 19, ln. 22 - pg. 20, ln. 5.

Applicant respectfully submits that the independent claims presented herein are therefore in condition for allowance. Furthermore, the claims depending from the independent claims are believed to be allowable for at least these reasons, and further in view of their own respective features. Withdrawal of the outstanding rejections is respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Application No.: 09/609,645

Docket No.: 32801-164819 (formerly 32801-999999)

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Dated: September 17, 2004

Respectfully submitted,

By

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